

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 21-CR-878-KG
)	
JOHN BENJAMIN THORNTON,)	
)	
Defendant.)	

UNOPPOSED MOTION FOR A PROTECTIVE ORDER

The United States moves this Court for a Protective Order covering the disclosure of a Facebook subpoena return which references victims in this case and contains adult pornographic images. Because of the sensitivity of the information contained in the Facebook return the United States requests that this Court enter a Protective Order limiting disclosure of the portions of the return that contain nudity.

REQUEST FOR PROTECTIVE ORDER

Defense counsel for Defendant has been contacted about this motion. Defendant does not object to the requested Protective Order.

Federal Rule of Criminal Procedure 16(d)(1) provides that a “court may, for good cause, deny, restrict, or defer discovery or inspection, or grant other appropriate relief.” FED.R.CRIM.P. 16(d)(1). The Supreme Court has approved the use of protective orders, directing that “the trial court can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the materials which they may be entitled to inspect.” *Alderman v. United States*, 394 U.S. 165, 185 (1969).

Because Defendant is not currently charged with anything that pertains to the pornographic

images in the return, there is no need for him to have copies of that portion of the return.

For these reasons, the United States respectfully requests the Court issue a Protective Order with the following conditions:

- a. Barring Defendant, counsel for Defendant and/or anyone properly assisting counsel for Defendant from using the disclosed material except regarding representation of Defendant for this case;
- b. Barring Defendant, counsel for Defendant and/or anyone properly assisting counsel for Defendant from disseminating the disclosed material or its contents to anyone other than Defendant or his investigator(s) in connection with this case;
- c. Barring counsel for Defendant and/or anyone properly assisting counsel for Defendant from giving any copy of the pornographic portions of the disclosed material directly to Defendant. Defendant may only review the pornographic portions of the disclosed material in the presence of his counsel.

Respectfully submitted,

FRED J. FEDERICI
Acting United States Attorney

Electronically filed 8/26/2021
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I HEREBY CERTIFY that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to opposing counsel of record on this date.

Electronically filed on 8/26/21
MARISA A. ONG
Assistant United States Attorney